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RASH CURTIS & ASSOCIATES

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SANDRA McMILLION, JESSICA ADEKOYA,
AND IGNACIO PEREZ, on Behalf of
12 Themselves and all Others Similarly Situated,

13 Plaintiffs,

14 v.

15 RASH CURTIS & ASSOCIATES,

16 Defendant.

Case No.: 4:16-cv-03396-YGR JSC

**DECLARATION OF BOB KEITH IN
SUPPORT OF DEFENDANT RASH CURTIS
& ASSOCIATES' OPPOSITION TO
PLAINTIFFS' MOTION TO APPOINT
KOURTNEY RICHARDSON AS CLASS
REPRESENTATIVE**

Date: January 9, 2018
Time: 2:00 p.m.
Courtroom 1 – 4th Floor
Judge: Yvonne Gonzalez Rodgers

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18
19 I, Bob Keith, declare that:

20 1. I am Executive Vice President at Rash Curtis & Associates, Defendant in this action. I
21 have been in the collection business for over 20 years. I have been employed at Rash Curtis for over
22 10 years in several capacities, including Collection Manager, and for the last several years, as
23 Executive Vice President of Operations. I am familiar with the collection policies and procedures used
24 by Rash Curtis during the relevant time periods. I have reviewed some of Rash Curtis' collection notes
25 and other business records reflecting Rash Curtis' collection activities and communications as to Ms.
26 Kourtney Richardson. I have personally reviewed other records and information stored in Rash Curtis'
27 electronic collection files as to Ms. Richardson – these materials are kept by Rash Curtis in its ordinary
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1 course of its business. Based upon my knowledge of Rash Curtis' collection practices and my review of
2 its business/collection files, I have personal knowledge of the facts stated herein, and I am competent
3 to testify thereto. I offer this sworn declaration in support of Rash Curtis' Opposition to Plaintiffs'
4 Motion to Appoint Ms. Kourtney Richardson as Class Representative in the instant matter.

5 2. Rash Curtis was assigned numerous collection accounts over several years as to one
6 Jagindar Prashad for medical services he incurred.

7 3. On or about September 19, 2016, Rash Curtis was referred an overdue medical debt
8 from Dr. James Greer, d.b.a. Brentwood Podiatry. The medical records from Dr. Greer's office show
9 that Mr. Prashad provided his cell phone number to the office to be called without limitation. A true
10 and correct copy of the record is attached to Defendant's Master List of Exhibits as **Exhibit A**. On
11 September 19, 2016, when the account was referred, Rash Curtis first obtained the cell phone number
12 in question ending in 9652. This number was initially entered into a field within Rash Curtis'
13 collection software which indicated Rash Curtis had obtained the number from its creditor client (who
14 had, in turn, been given the number by its patient).

15 4. As noted, the record obtained from Brentwood Podiatry (**Exhibit A**) demonstrates the
16 phone number ending in 9652 was provided by Mr. Prashad, without restriction, on March 24, 2014 to
17 Rash Curtis' creditor client, and this was the number that Rash Curtis was provided by Brentwood
18 Podiatry as Mr. Prashad's current number.

19 5. From the date of referral (September 19, 2016) forward, the number ending in 9652 was
20 the number that Rash Curtis called, manually or otherwise, as to Mr. Prashad's account with Dr. Greer.

21 6. Rash Curtis did not discover the 9652 number as to this account by so-called skip
22 tracing; as such, this number was placed in a field indicating Rash Curtis had prior express consent to
23 call.

24 7. Subsequently, it appears that on September 21, 2016, Rash Curtis separately ran an
25 ECA trace which independently confirmed Mr. Prashad's number ending in 9652. Rash Curtis'
26 records, however, indicate the ECA traced number obtained on September 21, 2016 was, also on that
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1 date, placed into phone field 8 in Rash Curtis' collection software – thus not subject to being
2 automatically dialed by Rash Curtis according to its policies and procedures.

3 8. It is possible a number placed in fields 5-10 may have been placed there by human
4 error, not because it was skip traced. It is also possible the telephone number may have been manually
5 transferred from the Greer account to an account on which Rash Curtis was no longer actively
6 collecting, such as a John Muir Hospital account. More investigation is necessary. For example, the
7 Account No. 1952383 for Mr. Prashad referred to in my emails and attached as Exhibit 7 to Mr.
8 Krivoshey's declaration relate to medical services rendered at John Muir in 2010, which was referred
9 to Rash Curtis in 2013, but which does not appear to have been collected upon in 2016 or 2017, the
10 time period in question here.

11 I declare, under penalty of perjury, under the laws of the United States of America that the
12 foregoing is true and correct, and that this declaration was executed in Vacaville, California, on
13 December 18, 2017.

14
15
16 By: 

Bob Keith
Vice President of Operations